

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LARRY D. GIBSON,	:
Petitioner,	:
v.	: Civil Action No. 05-179J
PENNSYLVANIA BOARD OF PROBATION	:
AND PAROLE,	:
Respondent	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on December 7, 2005, docket no. 8, recommending that the petitioner's petition for a writ of habeas corpus be denied, but that a certificate of appealability be granted because of the lack of authoritative precedent.

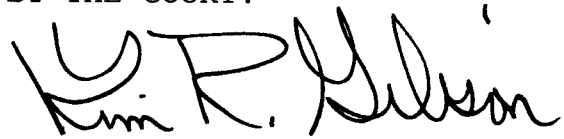
The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. No objections have been filed, and the time to do so has expired.

After review of the record of this matter together with the Report and Recommendation, and noting the absence of objections thereto, the following order is entered:

AND NOW, this 20th day of December, 2005, it is

ORDERED that the petitioner's petition for a writ of habeas corpus is denied. A certificate of appealability is issued on the substantive question posed by the petition: whether a denial of parole based on refusal to admit guilt to the underlying criminal offense violates the Self Incrimination Clause of the Fifth Amendment. (Petitioner is cautioned that my issuance of a certificate of appealability does not relieve him of the duty of filing a timely notice of appeal.) The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

cc:

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